

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 15, 2004**

DIVISION ONE

B172053     David M. Horwitz et al.     (Certified for Publication)  
                 v.  
                 City of Los Angeles,  
                 Mehr Z. Beglari et al.

The judgment is affirmed. Horwitz is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Aldrich, J. (Assigned)

B176153     United Parcel Service, Inc., et al. (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Michael Gnesda, r.p.i.)

The petition is denied. The order to show cause is discharged. Michael Gnesda to recover his costs of this proceeding.

Mallano, J.

I concur:        Spencer, P.J.  
I dissent:        Vogel (Miriam A.), J. (Opinion)

## DIVISION TWO

[illegible]

We vacate the order staying the terms imposed for the cumulative enhancements enumerated in section 12022.53, subdivision (f); specifically, the terms imposed pursuant to sections 12022.53, subdivisions (b) and (c), and 12022.7, subdivision (a). In lieu of the trial court's prior order, the following findings are stricken: the use and discharge of a firearm enhancements imposed pursuant to section 12022.53, subdivisions (b) and (c), and the infliction of great bodily injury enhancement imposed pursuant to section 12022.7, subdivision (a). As modified, the judgment is affirmed. The superior court shall cause its clerk to amend the abstract of judgment as provided above and to send the amended abstract of judgment to the California Department of Corrections.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

### DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B178847 Victoriano R., v. S.C.L.A.  
B173391 People v. Arturo R.  
B177947 Elvia B., v. S.C.L.A.  
B173998 People v. Wedermyer  
B174891 People v. Anthony  
B174349 People v. Hendrickson  
B167422 People v. Manning

Argument waived, cause submitted.

DIVISION THREE (Continued)

B174233     Heerlyn  
              v.  
              Padilla, et al.

Merits:  
Argued by Bernard Deetman for appellant and by Clara Roberts for respondents. Cause submitted.

B162631     People  
              v.  
              Devault, et al.

Merits:  
Argued by Gregory Rickard for appellant Lamont Devault and by Alena M. Games, deputy attorney general for respondent. Cause submitted.

B170464     Coolman  
              v.  
              SBC Communications, Inc.

Merits:  
Argued by James G. Flynn for appellant and by Jason M. Frank for respondent. Cause submitted.

B174399     Equimax Mortgage & Loan, Inc.  
              v.  
              Lavian

Merits:  
Argued by Joseph Fischbach for appellant and by Behzad Nahai for respondent. Cause submitted.

DIVISION THREE (Continued)

B173174     People  
              v.  
              Netterville

Merits:  
Argued by Leonard Klaif for appellant and by Linda C. Johnson, deputy attorney general for respondent. Cause submitted.

B171545     Tonsekar  
              v.  
              Downey Regional Medical Center

Merits:  
Argued by Alexander Kirkpatrick for appellant and by Michael O'Flaherty for respondent. Cause submitted.

B166491     Andrews, et al.  
              v.  
              Molyneux, et al.

Merits:  
Argued by Paul T. Smith for appellants and by Rebecca A. Davis-Stein for respondents. Cause submitted.

B173419     Moulton  
              v.  
              Constantino, et al.

Merits:  
Argued by Robbie Nichols for appellant and by Marc J. Wodin for respondent. Cause submitted.

DIVISION THREE (Continued)

B167278     Wang  
              v.  
              Golden Eagle Insurance Corporation, et al.

Merits:  
Argued by Ira Reiner for appellant and by Kelly K. Beck and Jason Litt for respondents. Cause submitted.

Court recessed at 12:30 p.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B169845 People v. Castro  
B172333 People v. Woodward  
B173824 People v. Toscano  
B172380 People v. Medina

Argument waived, cause submitted.

B164162     Payaslyan, et al.  
              v.  
              May Department Stores Co., et al.

Merits:  
Argued by Gerald M. Serlin for appellants and by Julia Azrael for respondents. Cause submitted.

### DIVISION THREE (Continued)

B171381      Super Saver, Inc.  
v.  
Eastgate Associates

Merits:  
Argued by Kathlene Lowe for appellant and by Jules Kabat for respondent.  
Cause submitted.

B168175      Jamal B., et al.  
v.  
County of Los Angeles

Merits:  
Argued by Sanford Jossen for appellants and by Elizabeth Kessel for respondent and by Austen Parrish for amicus curiae. Cause submitted.

B175243      Frize Corporation, Inc.  
v.  
S.C.L.A. (Aerospace Dynamics International, Inc. , r.p.i.)

Merits:  
Argued by Jeffrey Miller for petitioner and by Stuart Esner for real party in interest. Cause submitted.

Court adjourned at 3:48 p.m.

B177626      A.C.      (Not for Publication)  
v.  
S.C.L.A. (L.A. County Department of Children and Family Services, r.p.i.)

The dependent minor child's petition for extraordinary writ is dismissed as moot without prejudice to future appeals by any party to the case. Order to show cause on September 27, 2004, is discharged.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

December 15, 2004 (Continued)

### DIVISION THREE (Continued)

B166499 Plastic Pipe and Fittings Assoc. (Certified for Publication)  
v.  
California Building Standards Commission, et al.

The judgment is reversed with directions to the superior court to vacate the peremptory writ of mandate issued on February 13, 2003, and enter a judgment denying the petition for writ of mandate. Appellants are entitled to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FOUR

B175503 People v. Brown (Not for Publication)

The judgment is affirmed.

Epstein, P.J.

We concur: Hastings, J.  
Curry, J.

B174214 People (Not for Publication)  
v.  
Perez

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B171646      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Maria R.

The order of jurisdiction is reversed as to appellant only and remanded for further proceedings consistent with this opinion. In all other respects the order is affirmed.

Curry, J.

We concur:    Hastings, Acting P.J.  
                  Grimes, J. (Assigned)

B166502      People      (Certified for Publication)  
v.  
White

The judgment is reversed as to the sentence only, and the matter remanded to the court to conduct a new sentence determination. In all other respects, the judgment is affirmed.

Curry, J.

We concur:    Epstein, P.J.  
                  Hastings, J.

B169940      Bates  
v.  
Franchise Tax Board

Filed order denying petition for rehearing.



December 15, 2004 (Continued)

## DIVISION SIX

B170078      People      (Not for Publication)  
v.  
Castro, et al.

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B171443      People      (Not for Publication)  
v.  
Andrew S.

The judgment (CYA commitment order) is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

## DIVISION SEVEN

B168003      Rodenbush et al.      (Not for Publication)  
v.  
Bissell et al.

The judgment is affirmed. Bissell to recover her costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                          Woods, J.

DIVISION SEVEN (Continued)

B177558 Agnew v. California State Board of Equalization

B178674 Agnew v. California State Board of Equalization

Filed order consolidating above captioned appeals.

DIVISION EIGHT

B164338 People (Not for Publication)  
v.  
Humphrey

The judgment is reversed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B170052 Damien Paul Humphrey (Not for Publication)  
v.  
Superior Court, Los Angeles County

The petition for writ of habeas corpus is dismissed as moot.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

December 15, 2004 (Continued)

## DIVISION EIGHT (Continued)

B174380      People                                  (Not for Publication)  
v.  
Michael King

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The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B172960      People                                  (Not for Publication)  
v.  
Mark D. Bridges, Jr.,

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B170059 People (Not for Publication)  
v.  
George R.,  
In re George R., a Person Coming Under the Juvenile Court Law.

The judgment is reversed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.